

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANCecilia DeHuston

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Berrien County Jail staff

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT
(Print Clearly)**I. Previous Lawsuits**

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$405.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

a. If so, explain: _____

FILED - GR

July 12, 2024 12:22 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: KB SCANNED BY: KB 7/15**1:24-cv-716****Sally J. Berens****U.S. Magistrate Judge**

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Cecil De Huston Sr.

Place of Present Confinement Berrien County Jail

Address 919 Port St. St. Joe Mi 49085

Place of Confinement During Events Described in Complaint Berrien County Jail

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Herbert

Position or Title Captain

Place of Employment Berrien County Jail

Address 919 Port St St Joe Mi 49085

Official and/or personal capacity? Official

Name of Defendant #2 Hout

Position or Title Lt.

Place of Employment 919 Port St, St Joe Mi 49085

Address Berrien County Jail

Official and/or personal capacity? Official

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

① I was spit on by a inmate. On May 3. I wrote (e-mailed) stating (A guy named jesse is picking fights in this medical cell with people. I don't want to fight and get in more trouble.) From Captain, down would not let me press charges on Jesse Kelems. They all kept saying "he got cancer, he's dying anyways. On May 5th Jesse said his son was a big guy in the White pride gang & spit on me. I got up & said I know you didn't spit on me. He said he did and pushed the help button. The officers move him. From that day I asked to press charges. I started to write grievances May 13th to talk to a police to press charges on a inmate May 16, May 24, 2024 I wrote Capt. Herbert. & spoke to Sgt, Lt's Officers to NO avail. May 19th, May 15th June 7, June 10, all e-mails as of July 9th I'm not able to press charges.

I have asked for the names of the names of Berrien County Chain of Command. they would not comply. (email) on tablet.

IV. Relief

State briefly and precisely what you want the court to do for you.

I want to sue Berrien County
for monies

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

Date

7/9/24

Signature of Plaintiff

Cecil L. Huston

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

NAME Cecil Huston
LOCATION 15
919 PORT STREET
ST. JOSEPH, MICHIGAN 49085

GRAND RAPIDS MI 493

10 JUL 2024 PM 4 L



UNITED STATES DISTRICT COURT
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110 Michigan N.W.
Grand Rapids, MI 49503-2363

49503-236393